

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates to:

All Consumer Indirect Purchaser Actions

**STIPULATION CORRECTING ORDER (ECF NO. 1102) ON CONSENT FOR
LEAVE TO FILE CONSUMER INDIRECT PURCHASER PLAINTIFFS'
FOURTH AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

The Consumer Indirect Purchaser Plaintiffs (“CIPPs”) and the undersigned Defendants¹ hereby stipulate to the following:

1. On January 4, 2022, the parties filed a Stipulation of Consent for Leave to File CIPPs’ Fourth Consolidated Amended Class Action Complaint. *See* ECF No. 1099. The stipulation correctly stated that the amended complaint adds three named plaintiffs (Eric Schaub, Kate Smith, and Sarah Isola) as substitutes for individuals who no longer wish to serve as class representatives. A redline and clean copy reflecting these proposed changes accompanied the stipulation.
2. However, the proposed order accompanying the stipulation (ECF No. 1101) erroneously stated that plaintiffs Eric Schaub, Kate Smith, Sarah Isola and Anbessa Tufa were to be dismissed without prejudice; the correct parties to be dismissed without prejudice were Alike Naehu, Debbie Boyko, Pam Petersen, and Anbessa Tufa.
3. On January 7, 2022, the Court entered the proposed order that contained the language submitted in error. *See* ECF No. 1102.
4. On January 12, 2022, CIPPs filed their Fourth Consolidated Amended Complaint. *See* ECF Nos. 1110 (redacted), 1111 (under seal). The complaint correctly named the substitute plaintiffs (Eric Schaub, Kate Smith, Sarah Isola), and dropped the allegations concerning were Alike Naehu, Debbie Boyko, Pam Petersen, and Anbessa Tufa.

¹ As CIPPs and Defendant JBS USA Food Company have reached a settlement (ECF No. 990), JBS USA Food Company takes no position on this stipulation.

5. On January 13, 2022, the Court identified the error in the entered order and sought clarification from the CIPPs.

6. The parties hereby stipulate that the Court may enter an amended order to correct the Court's Order Granting Consent for Leave to File Consumer Indirect Purchaser Plaintiffs' Fourth Amended Consolidated Class Action Complaint (ECF No. 1102). An amended proposed order is filed concurrently herewith.

7. The parties further stipulate that Alike Naehu, Debbie Boyko, Pam Petersen, and Anbessa Tufa are to be dismissed without prejudice, with each party to bear its own costs. Plaintiffs Eric Schaub, Kate Smith and Sara Isola are substituted in as plaintiffs.

8. The parties also stipulate that all previous discovery requests served on CIPPs would be deemed served on the three new class representatives and that the three new named plaintiffs will substantially complete their document productions in response to defendants' requests by February 3, 2022.

9. The operative complaint for Consumer Indirect Purchaser Plaintiffs is their Fourth Consolidated Amended Complaint. See ECF Nos. 1110 (redacted), 1111 (under seal). Defendants are not required to answer the Fourth Consolidated Amended Complaint, and all admissions and denials as to factual allegations and all affirmative defenses in Defendants' prior answers to the Second Amended Complaint remain operative.

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